

REMARKS

Applicant thanks Supervisory Patent Examiner Newhouse for the telephone interview conducted August 1, 2006. This Amendment is responsive to the June 5, 2006 Final Office Action and amends independent claims 1 and 10 to include the subject matter of claims 45 and 47, respectively, added in the Amendment filed March 6, 2006. Claims 45 and 47 are cancelled in the foregoing amendments. The addition of the subject matter from claims 45 and 47 to independent claims 1 and 10 is pursuant to the discussions with Examiner Newhouse and are provided to clarification of the previously existing differences over the cited references in the Final Office Action, namely Kane and Koziczkowski.

In the Office Action, claims 1-19 and 45-48 stand rejected under 35 USC § 103(a) for obviousness over United States Patent No. 3,907,349 to Kane in view of United States Patent No. 5,411,162 to Koziczkowski. Alternatively, claims 1-19 and 45-48 stand rejected under 35 USC § 103 (a) for obviousness over Koziczkowski in view of Kane. Applicant requests reconsideration of the Examiner's obviousness rejections of claims 1-19 and 45-48.

Kane discloses an end closure assembly for a container (10). The assembly includes a cover or end closure (11) having an annular contoured circumferential flange (16), a closure ring (20), and a locking bolt (27). A heat-shrinkable outer sealing tape (19) may be adhered to the outer surface of container (10), an annular bead (14) defined at the open end of container (10), and on the annular contoured flange (16) defined circumferentially around closure or cover (11), as shown in Fig. 2. The outer sealing tape (19) is provided to increase the resistance of assembled container (10) and closure (11) to drop tests. In particular, outer sealing tape (19) and closure ring (20) act to hold adhesively-connected inner seal (17) (also shown in Fig. 2) in an assembled position because this arrangement increases the frictional engagement between closure ring (20) and annular flange (16) covered by outer sealing tape (19) than is possible with a metal-to-metal engagement (i.e., if outer sealing tape (19) were not present), as discussed at column 10, lines 33-48 of Kane.

Koziczkowski discloses a V-band coupling for an explosion-proof enclosure. As shown in Figs. 1-2, enclosure (10) includes a base (14) and a cover (16) which are secured by a V-band coupling (20). Coupling (20) includes a V-band (28). V-band (28) includes a roughened layer (25) along its interior surface. Roughened layer (25) is provided on a sidewall (82) of V-band (28) and includes a textured surface (90) and a corrosion resistant

metal coating (92), (as shown in Fig. 7). A suitable corrosion resistance coating for coating (92) is disclosed as being nickel, (See column 4, lines 1-8 of Koziczkowski).

Independent claim 1 is directed to a closure assembly comprising a split ring member, a locking device, and a polymeric coating applied to at least an inward facing side of the split ring member that contacts a cover and rim of a container. Independent claim 10 is directed to a container for transporting goods and materials comprising a container body, a cover, and a closure assembly. The closure assembly comprises a split ring member, a locking device, and a polymeric coating applied to at least an inward facing side of split ring member that contacts the cover and rim of the container. The clarifying changes to independent claims 1 and 10 indicate that the polymeric coating has a degree of resiliency to absorb impact forces during a drop test.

With respect to the obviousness rejection based on Kane in view of Koziczkowski, it is asserted on page 2 of the Office Action that Kane discloses “a container body 10, a cover 11, a split ring 20, and a locking device at 27”, and further teaches “an outer seal at 19 made of polyvinyl chloride”. It is then stated that the outer seal “19” disclosed by Kane is not a coating, and Koziczkowski is cited as teaching “a coating on a split ring member (see coating 92)”. Applicant respectfully submits that the combination of Kane and Koziczkowski fails to teach or suggest a split ring member with a polymeric coating applied on at least an inward facing side thereof for contacting the cover and rim of a container. It is clear from the disclosure of Kane that the heat-shrinkable outer sealing tape (19) disclosed in this patent is not a polymeric coating but is rather a heat-shrinkable plastic tape layer that is adhesively secured onto the external surface of container (10) and annular bead (14) defined at the open end of container (10) and, further, extends upward and onto the annular flange (16) formed on cover (11), as shown in Fig. 2 of Kane. This teaching in Kane is confirmed in the Final Office Action on page 2 where it is stated that outer tape layer (19) is not a polymeric coating. The subsequent citation of metal coating (92) disclosed by Koziczkowski does not correct this inherent deficiency with the Kane disclosure. The cited metal coating (92) is disclosed in Koziczkowski as being a corrosion resistant metal coating such as nickel. The textured surface of a roughened layer (25) provides a gripping feature to V-band (28). To the extent that the metal coating (92) has an added benefit of increasing the coefficient of friction between V-band (28) and elements (14, 16), Koziczkowski does not suggest using just a coating to achieve gripping, much less a polymeric coating.

At best, Koziczowski indicates that a metal coating can be applied to a gripping surface, but not that the metal coating itself creates a gripping surface. Moreover, nowhere in Koziczowski is it suggested that metal coating (92) may be a polymeric coating as claimed in independent claims 1 and 10. Clearly, a metal coating such as nickel disclosed by Koziczowski for corrosion resistance cannot be used as a basis for suggesting the application of a polymeric coating in place of the outer sealing tape (19) in Kane. Neither reference provides any motivation for such a substitution. Koziczowski teaches using a roughened surface, not a coating. Therefore, there is not a motivation to substitute the Kane polymer outer sealing tape with Koziczowski's metal coating, especially in view of the fact that the outer sealing tape (19) in Kane is not applied to the split ring (20) as claimed in independent claims 1 and 10. In view of the foregoing, it is respectfully submitted that the claimed polymeric coating provided on at least an inward facing side of a split ring member is not taught or suggested by either of these references, whether considered individually or in combination.

Since the alternative rejections of claims 1-19 over Koziczowski in view of Kane have the same inherent deficiencies as discussed hereinabove in connection with Kane in view of Koziczowski, the foregoing comments are incorporated by reference herein with respect to Koziczowski in view of Kane. Koziczowski's teaching of a metallic corrosion resistant coating (92) is not substitutable by Kane's polymeric outer sealing tape (19). The polymeric outer sealing tape (19) of Kane serves a distinct function from the metal coating (92) of Koziczowski. Neither reference suggests the desirability of substituting a corrosion resistant metal coating for a polymeric tape layer or vice versa. The asserted opportunity to combine these teachings is insufficient to establish a *prime facie* case of obviousness. (MPEP §2143.01 (III)). Accordingly, Applicant respectfully submits that a *prime facie* case of obviousness has not been established with respect to independent claims 1 and 10.

Moreover, as independent claims 1 and 10 now clarify that the polymeric coating has a degree of resiliency to absorb impact forces during a drop test, it is respectfully submitted that the metal coating (92) in Koziczowski is no longer even pertinent to independent claims 1 and 10 as such a metal coating (92) would have no inherent resiliency of any kind. The outer sealing tape (19) disclosed by Kane likewise does not have suitable resiliency to absorb impact forces during a drop test and is also no longer believed to be pertinent to the subject matter of independent claims 1 and 10. The outer sealing tape (19) at best increases frictional engagement but has no suitable resiliency to absorb impact forces

Application No. 10/719,350
Amendment Dated August 15, 2006
Attorney Docket No. 5010-031012

particularly those occurring during a conventional drop test. For these additional reasons, Applicant requests reconsideration of the rejections of independent claims 1 and 10 over the cited references.

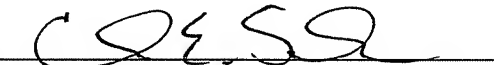
Claims 2-9 and 46 depend directly or indirectly from independent claim 1 and distinguish over the cited references for all the reasons discussed hereinabove. Likewise, claims 11-19 and 48 depend directly or indirectly from independent claim 10 and distinguish over the cited references for all the reasons discussed previously. Reconsideration of these rejections is also respectfully requested.

Should the Examiner wish to discuss the claimed subject matter further, the Examiner or Supervisory Examiner Newhouse is invited to contact the undersigned at the telephone number provided below.

Respectfully submitted,

THE WEBB LAW FIRM

By



Christian E. Schuster
Registration No. 43,908
Attorney for Applicant
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1845
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com